

## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GLAUCOMA TREATMENT KIT ; the specification of which was filed on **October 28, 2003** as Application Serial No. **10/695,668** and was amended on .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

### Prior U.S.A. Application(s)

<i>Application No.:</i> 10/634,213	<i>Filing Date:</i> 08/05/03	<i>Status:</i> Pending
<i>Application No.:</i> 10/118,578	<i>Filing Date:</i> 04/08/02	<i>Status:</i> Pending
<i>Application No.:</i> 60/401,166	<i>Filing Date:</i> 08/05/02	<i>Status:</i> Pending
<i>Application No.:</i> 60/451,226	<i>Filing Date:</i> 02/28/03	<i>Status:</i> Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

## ASSIGNMENT

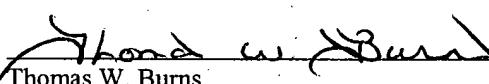
WHEREAS, We, Thomas W. Burns , a United States citizen, residing at Laguna Hill, CA , David Haffner, Mission Viejo, CA , have invented certain new and useful improvements in a GLAUCOMA IMPLANT KIT for which we have filed an application for Letters Patent in the United States, Application No. 10/695,668, Filed on October 28, 2003;

AND WHEREAS, GLAUKOS CORPORATION (hereinafter "ASSIGNEE"), a Corporation, with its principal place of business at 26021 Merit Circle, Suite 101 Laguna Hills, CA 92653, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of April, 2004

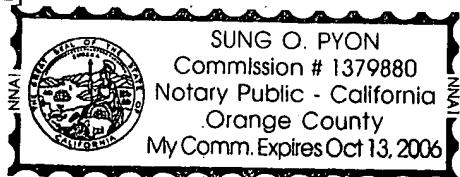
  
Thomas W. Burns

STATE OF CALIFORNIA }  
} ss.  
COUNTY OF ORANGE }

On Apr. 5, 2004, before me, SUNG O. PYON, personally appeared Thomas W. Burns personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

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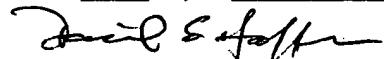
PATENT

Client Code: GLAUKO.011CP2

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Application No.: 10/695,668  
Filing Date: October 28, 2003

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of APRIL, 2004.



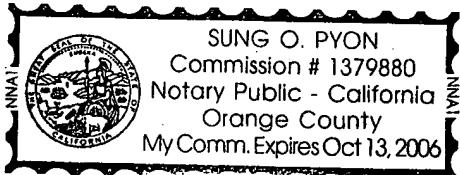
David Haffner

STATE OF CALIFORNIA }  
} ss.  
COUNTY OF ORANGE }

On APR. 5, 2004, before me, SUNG O. PYON, personally appeared David Haffner personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

ASSIGN2  
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030904

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Full name of first inventor: **Thomas W. Burns**

Inventor's signature Thomas W. Burns

Date 4/05/04

Residence: **Dana Point, CA**

Citizenship: **United States**

Post Office Address: **Same**

Full name of second inventor: **David Haffner**

Inventor's signature David Haffner

Date 5 APRIL 04

Residence: **Mission Viejo, CA**

Citizenship: **United States**

Post Office Address: **Same**

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Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
**Customer No. 20,995**

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030904

"<KM0B.COM>" made the following annotations.

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